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Attorneys for Defendants COUNTY OF ALAMEDA, LAUREL MANFREDI,
JON PETTIGREW, MICHELLE FINDLEY, MELISSA RYAN, RENEE CAGE,
TEOFILO MARTINEZ-GOMEZ, and MICHAEL FURNESS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND

E.S., a minor, by and through her Guardian,
LINDA SHANKS,

Case No.: 4:20-cv-04299-SBA

Plaintiff,

**STIPULATION AND ORDER [AS
MODIFIED] TO CONTINUE
SETTLEMENT CONFERENCE DATE**

vs.

Judge: Hon. Saundra B. Armstrong
Courtroom: TBD

COUNTY OF ALAMEDA, a public entity;
LAUREL MANFREDI, an individual; JON
PETTIGREW, an individual; MICHELLE
FINDLEY, an individual; MELISSA RYAN,
an individual; RENEE CAGE, an individual;
TEOFILO MARTINEZ-GOMEZ, an
individual; MICHAEL FURNESS, an
individual; and DOES 1 through 50, inclusive,

Settlement Conference Judge:
Hon. Donna M. Ryu

Defendants.

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

The parties to this action, by and through their respective attorneys of record, stipulate and hereby request that the Court continue the current settlement conference date so that the parties can meaningfully prepare for the settlement conference with Magistrate Judge Ryu. The continuance is requested because counsel for Plaintiff and Defendants have had health issues which have affected their ability to prepare for the settlement conference. In addition, the parties recently obtained a continuance of the trial and pre-trial dates for a period of approximately ninety (90) days, so a continuance of the settlement conference is also appropriate. Accordingly, the parties, stipulate as follows:

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1 1. Plaintiff's counsel Shawn McMillan's father suffered a serious brain injury. The
2 most significant apparent consequence has been his loss of short-term memory. This situation
3 has caused significant stress for Mr. McMillan and his family, including his mother. He has
4 tried to maintain his current work habits and stay ahead of his workload, but it has become clear
5 that he needs to provide him, and his mother, further assistance than he has been, at least on a
6 temporary basis. Mr. McMillan is also concerned that, given the emotional distraction caused by
7 the situation, the quality of his work may suffer significantly.

8 2. To compound the logistical difficulties Mr. McMillan's office is experiencing
9 due to the above-described family obligations, Mr. McMillan and his entire household have
10 recently tested positive for Covid -19. In addition, Stephen Daner, the only other attorney at
11 Mr. McMillan's office has also tested positive. For the last part of December and the first half of
12 January, the entire office was shut down. This caused a serious disruption in workflow and
13 productivity.

14 3. Defense counsel Jody Struck had a total left hip replacement on December 15,
15 2021. She has had to spend considerable time in pre-operative medical appointments,
16 hospitalization, and recovery, and is currently undergoing physical therapy two times each week
17 into early March.

18 4. Under the circumstances, it has been difficult for counsel to analyze the
19 voluminous documents and conduct the necessary discovery to prepare this case for trial.
20 Plaintiff's counsel requested and defense counsel agreed to a continuance of the trial and pre-
21 trial dates. An order granting the stipulation and setting new dates was entered on January 19,
22 2022. (Dkt. No. 75.)

23 5. Following the continuance of the trial and pretrial dates, counsel met and
24 conferred regarding a possible continuance of the Settlement Conference. Counsel and the
25 parties agree that a Settlement Conference in July 2022, which is a continuance consistent with
26 the new trial and pretrial dates, will allow the parties to take the necessary time to obtain and
27 analyze the evidence necessary to properly evaluate this case before a Settlement Conference.

28 6. There is currently no ADR compliance deadline in effect.

7. For the foregoing reasons, the parties stipulate and request that the Court vacate the current Settlement Conference date of April 1, 2022 and continue the Settlement Conference to July 2022 or as soon thereafter as the Court, counsel, and parties have a mutually available date. If the Court vacates the current Settlement Conference date, counsel request that the Court's clerk advise of available dates so that they can confirm their clients' availability.

Dated: February 2, 2022

HAAPALA THOMPSON & ABERN, LLP

By: /s/ Jody Struck
JODY STRUCK, Attorneys for Defendants

Dated: February 2, 2022

The Law Offices of Shawn A. McMillan, APC

By: /s/ Shawn A. McMillan
SHAWN A. McMILLAN, Attorney for Plaintiff
*Shawn A. McMillan provided consent for this document to be electronically filed.

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ORDER (AS MODIFIED)

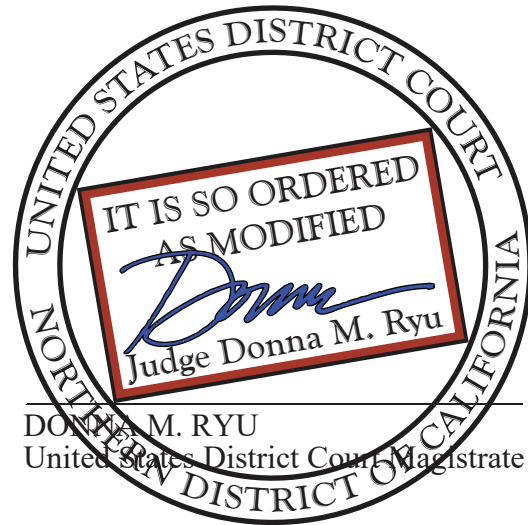
Pursuant to the Parties' stipulation and for good cause appearing:

IT IS HEREBY ORDERED that the Settlement Conference, currently set for April 1, 2022, at 10:00 a.m., be, and hereby is, vacated.

IT IS FURTHER ORDERED that the Settlement Conference will be rescheduled for **July 1, 2022 at 1:00 p.m.** Parties shall comply with the requirements and procedures set forth in this Court's Notice of Settlement Conference and Settlement Conference Order dated November 3, 2021. [See Docket No. 73.]

IT IS SO ORDERED AS MODIFIED.

Dated: February 4, 2022



DONNA M. RYU
United States District Court Magistrate Judge

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